

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LARRY W. JANDER, RICHARD J.
WAKSMAN, and all other individuals
similarly situated,

Plaintiffs,

vs.

RETIREMENT PLANS COMMITTEE OF
IBM, RICHARD CARROLL, MICHAEL
SCHROETER, and ROBERT WEBER,

Defendants.

No. 1:15-cv-03781-WHP

STIPULATION AND ~~PROPOSED~~
ORDER STAYING ALL
PROCEEDINGS PENDING A
DECISION OF THE SUPREME
COURT OF THE UNITED STATES

WHEREAS, on September 29, 2017, this Court dismissed Plaintiffs' Second Amended Class Action Complaint (the "Complaint") for failing to state a claim under *Fifth Third Bancorp v. Dudenhoeffer*, 573 U.S. 409 (2014);

WHEREAS, on December 10, 2018, the United States Court of Appeals for the Second Circuit reversed the dismissal order and remanded the case to this Court for further proceedings;

WHEREAS, on March 4, 2019, Defendants filed a petition for a writ of certiorari with the Supreme Court of the United States seeking review of the Second Circuit's decision;

WHEREAS, on April 1, 2019, this Court issued a scheduling order setting forth various discovery and motion dates for the case;


WHEREAS, on June 3, 2019, the Supreme Court granted certiorari to review the Second Circuit's decision;

WHEREAS the parties have conferred and believe that, in light of the Supreme Court's grant of certiorari, it is appropriate for this Court to stay all proceedings pending a decision by the Supreme Court with respect to the Defendants'/Petitioners' appeal;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for Plaintiffs and Defendants, that all proceedings before this Court in the above-captioned matter shall be stayed pending the Supreme Court's decision on the merits.

IT IS SO STIPULATED.

DATED: June 5, 2019
New York, New York



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DATED: June 5, 2019
New York, New York



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*Attorneys for Defendants Retirement Plans
Committee of IBM, Richard Carroll, Martin
Schroeter, and Robert Weber*

SO ORDERED:



WILLIAM H. PAULEY III
U.S.D.J.

6/5/19

SO ORDERED this _____ day of June, 2019

THE HONORABLE WILLIAM H. PAULEY III
United States District Judge